IN THE HIGH COURT OF BOMBAY AT GOA
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CIVIL REVISION APPLICATION NO. 262 OF 2000

1. Smt. Shantabai Laxmikant Parkar,

2. Kum. Sushma Laxmikant Parkar,

3. Kum. Mahima L. Shet Parkar,

4. Shri Kashinath L. Shet Parkar, all major in age, r/o Dhat near M.R.F., Usgao, Ponda, Goa. ... Petitioners.

Versus

1. Shri Pandurang Raghoba Shirodkar and his wife, major in age, r/o Dhat near M.R.F., Usgao, Ponda, Goa, and

2. Smt. Leela Pandurang Shirodkar, major in age, r/o Dhat, near M.R.F., Usgao, Ponda, Goa. ... Respondents.

Shri J. P. Mulgaokar, advocate for the petitioners.

Shri S. D. Lotlikar, Senior Advocate with Shri A. D. Bhobe,advocate for the respondents.

CORAM: V. C. DAGA, J.

DATE: 5th July, 2002.

ORAL JUDGMENT

Heard parties. The revision is directed against the Order setting aside the ex parte Order dated 5th October, 1993, and Decree dated 15th July, 1997, by an Order dated 10th July, 2000, passed in Civil Miscellaneous Application no.26/99/A, arising out of Regular Civil Suit No.18/83/A.

2. Having heard parties for some time, it appears that while exercising the discretion in favour of the original defendants/respondents herein, the trial Court has not taken into account the fact that valuable right had accrued in favour of the present petitioners/original plaintiffs and while taking away that right, the trial Court ought to have tried to compensate the petitioners by awarding suitable amount of compensation by way of costs.

3. Having heard the parties and considering the consensus between them, I feel the ends of justice would be met by awarding compensation by way of costs in the sum of Rs.3,000/- (rupees three thousand only), payable within two weeks from the date of this Order, by directing the trial Court to dispose of the suit as expeditiously as possible, at any rate, within nine months from the date of receipt of the writ from this Court.

4. Learned counsel appearing for the petitioners undertakes to carry the writ from this Court to the trial Court so as to enable the trial Court to proceed with the suit with expeditious despatch.

5. The parties are directed to appear before the trial Court on 15th July, 2002.

6. The Revision Application is partly allowed in terms of this Order, with no order as to costs.

V. C. DAGA, J.